

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal Action No.
	)	05-00383-03-CR-W-ODS
DENNIS L. GARD,	)	
	)	
Defendant.	)	

REPORT AND RECOMMENDATION

On February 1, 2006, Defendant moved for a judicial determination of mental competency. Defendant was examined by John H. Wisner, M.D., a clinical psychologist, who prepared a report dated March 11, 2006.

On March 30, 2006, I held a competency hearing. Defendant was present, represented by John Spencer. The government was represented by Assistant United States Attorney David DeTar Newbert. The parties stipulated to the contents and findings of Dr. Wisner (Tr. at 2) and waived the ten-day objection period to this report and recommendation (Tr. at 3).

Based upon the uncontroverted evidence stipulated to by the parties in this case, I find that Defendant is competent to stand trial and to assist in his defense. Therefore, it is

RECOMMENDED that the court, after making an independent review of the record and applicable law, enter an order finding defendant competent to stand trial and to assist in his defense.

/s/ Robert E. Larsen  
ROBERT E. LARSEN  
United States Magistrate Judge

Kansas City, Missouri  
March 31, 2006